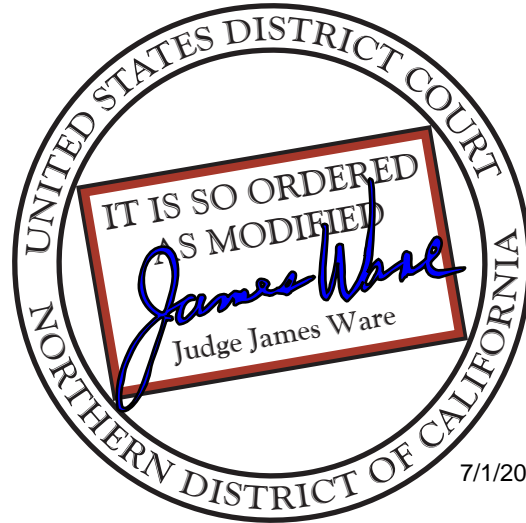


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7/1/2010

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SANTA CLARA VALLEY HOUSING)
GROUP, INC. and KRISTEN M.)
BOWES,)
)
 Plaintiffs,)
)
 v.)
)
UNITED STATES OF AMERICA,)
)
 Defendant.)

Case No. 08-cv-05097-JW

THIRD STIPULATION AND
[PROPOSED] ORDER TO EXTEND
THE DISCOVERY PERIOD AND
OTHER PRETRIAL DATES

Plaintiffs Santa Clara Valley Housing Group, Inc. ("SCVHG") and Kristen M. Bowes (collectively, "Plaintiffs"), and Defendant the United States of America ("United States"), by and through their counsel, pursuant to Civil Local Rule 6-2, jointly stipulate that the discovery period and other pretrial dates established by the Court in its Order to Extend the Discovery Period and Other Pretrial Dates (docket entry #30) should be extended for an additional forty-five (45) day

1 period in order to provide the parties with sufficient time to complete fact and expert discovery.

2 This income tax refund suit is the first SC2 tax transaction to be litigated in the Federal
3 District Court. As a significant case of first impression, this action requires substantial additional
4 fact discovery to prepare the matter for trial. In addition, both parties believe it is advisable to
5 conduct further fact discovery before the designation of expert witnesses.

6 During the discovery period to date, the parties have exchanged (or received from third
7 parties) thousands of pages of documents and have taken numerous oral depositions throughout
8 the State of California as well as in Arizona, Illinois and Washington, D.C.

9 In the next several months, the United States anticipates taking additional oral depositions
10 of current or former KPMG employees and other individuals and entities involved in the subject
11 transaction. The Plaintiffs also intend to take additional oral depositions of other individuals and
12 entities involved in the subject transaction. Both parties intend to designate experts in this action
13 and anticipate filing dispositive motions at the close of discovery.

14 Therefore, the parties jointly stipulate and request that the Case Schedule should be
15 modified as follows:

16	Deadline to Designate Expert Witnesses:	August 23, 2010
17	Preliminary Pretrial and Trial Conference	
18	Statement and Proposed Pretrial Order Due:	September 10, 2010
19	Preliminary Pretrial Conference:	September 20, 2010, 11:00 a.m.
20	Close of Fact Discovery	October 15, 2010
21	Disclosure of Rebuttal Experts:	October 22, 2010
22	Close of Expert Discovery	December 15, 2010
23	Deadline to file and serve Notice of Motion	
24	to Exclude expert testimony or portion	
	thereof:	January 11, 2011
25	Deadline to file dispositive motions:	January 11, 2011
26	Deadline to file responses to dispositive motions:	February 11, 2011

27 ///

28 ///

Deadline to file replies to responses to
dispositive motions:

March 11, 2011

Last date for hearing dispositive motions:

March 21, 2011 at 9:00 AM

Respectfully submitted this 29th day of June, 2010.

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Attorneys for Plaintiffs Bowes and Santa Clara
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PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

This is a final continuance.

Dated this 1st day of July, 2010



HON. JAMES WARE
UNITED STATES DISTRICT JUDGE

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